

## **AMENDMENTS TO REGULATIONS FOR STANDARDIZED PERMIT FACILITIES: R-02-06**

**Amend** title 22, division 4.5, chapter 20, article 8, section 66270.69 and title 27, division 22, section 22-66270.69 of the California Code of Regulations to read as follows:

### **§ 66270.69. Standardized Permit.**

(a) Notwithstanding any other provisions of this division, offsite treatment or storage activities, other than those specified in paragraphs (1) through (3) of this section, that do not require a permit under the federal act may be eligible for a standardized permit pursuant to section 25201.6 of the Health and Safety Code. The following are not eligible for a standardized permit:

(1) used oil-recycling activities as defined in Health and Safety Code section 25250.1;

(2) recycling or reclamation of federally regulated solvents identified by EPA hazardous waste numbers F001, F002, F003, F004 and F005 pursuant to 40 CFR section 261.31.

(3) units that are not authorized to operate pursuant to title 22, California Code of Regulations, division 4.5, chapter 14 or chapter 15 that engage in incineration, thermal destruction or land disposal activities.

(b) Each hazardous waste treatment or storage facility conducting activities pursuant to a standardized permit shall be designated as a Series A, Series B or Series C standardized permit facility as defined in Health and Safety Code section 25201.6.

(c) A facility that performs activities that meet the criteria for more than one of the standardized permit series shall be classified as the highest of the applicable series.

~~(d) A PHHWCF shall be eligible for a Series A, Series B or Series C standardized permit. Notwithstanding any other provision of law, a Series C PHHWCF may accept and store reactive, ignitable and extremely hazardous waste.~~

NOTE: Authority: sections 25150, ~~25248.3~~, 25201.6, 58004 and 58012, Health and Safety Code. Reference: sections 25150, 25201.6 and 25250.1, Health and Safety Code.

**Amend** title 22, division 4.5, chapter 45, section 67800.1 and title 27, division 22, section 22-67800.1 section 67800.1 of the California Code of Regulations to read as follows:

**§ 67800.1. ~~Interim Status Requirements for Standardized Permit Facilities.~~**

~~—— (a) An existing facility engaged, or authorized by the Department to engage, on or before September 1, 1992, in those activities eligible for a standardized permit pursuant to Health and Safety Code section 25201.6, that elects to be authorized pursuant to a standardized permit shall submit a standardized permit notification (DTSC 1093 (8/93) or 1094 (8/93)) to the Department by October 1, 1993. These forms are incorporated herein by reference. Eligible facilities that submit a complete and accurate standardized permit notification on or before October 1, 1993 and that receive a grant of interim status from the Department, shall be deemed to have interim status authority to operate as a hazardous waste facility pursuant to section 25200.5 of the Health and Safety Code.~~

~~(a) (b) Any previous variance or grant of interim status from the Department to operate as a hazardous waste facility, under which a facility is conducting storage or treatment activities, shall be terminated upon the effective date of interim status granted in accordance with subdivision (a) of this section. A facility with an existing permit issued pursuant to Health and Safety Code section 25200 shall not be granted interim status but instead shall may have its permit converted directly to a standardized permit, using the Class 1 permit modification procedures as specified in section 66270.42 ~~66270.72~~.~~

~~(c) In addition to all other applicable requirements, the owners or operators of a facility eligible for the standardized permit tier pursuant to section 66270.69 facilities deemed to have interim status pursuant to subdivision (a) of this section shall comply with all of the following:~~

~~(1) Articles 1 through 7, 9 and 10 of Chapter 14 ~~15~~ of this division. A standardized permit notification DTSC 1093 (8/93) submitted pursuant to subdivision (a) of this section shall constitute the notification necessary in order for the Department to determine if a facility is eligible for interim status;~~

~~(2) section 66264.175 regarding secondary containment for containers;~~

~~(3) sections 66270.71 and 66270.72 regarding operating restrictions and proposed changes to the facility during interim status;~~

~~(3) (4) section 67800.5 regarding financial responsibility compliance.~~

~~(d) During the period of interim status, a facility shall treat or store no more than the volume or weight of waste capable of being treated or stored as of September 1, 1992.~~

~~(e) Notwithstanding subdivision (c)(1) of this section, and in addition to other applicable requirements, operators of PHHWCFs deemed to have interim status pursuant to subdivision (a) of this section shall comply with the requirements specified in paragraphs (1) through (5) of this subdivision. A standardized permit notification DTSC 1094 (8/93) submitted pursuant to subdivision (a) of this section shall constitute the notification necessary for the Department to determine if a PHHWCF is eligible for interim status. The operator of a PHHWCF shall comply with all of the following:~~

- ~~(1) section 66265.18 and section 66265.25;~~
- ~~(2) Chapter 15, Article 9, and section 66264.175;~~
- ~~(3) Chapter 15, Article 10, if the PHHWCF uses tanks for storing wastes;~~
- ~~(4) the operator of the PHHWCF shall develop, maintain and implement, when necessary, a plan addressing the procedures to be followed whenever the PHHWCF meets or exceeds its maximum storage capacity, so that appropriate storage conditions may be maintained. This plan shall be incorporated as part of the operation plan;~~
- ~~(5) section 67450.4 except as specified in paragraphs (A), (B), (C) and (D) of this subdivision.~~

~~(A) 67450.4(b)(7). The operator of a PHHWCF may store wastes for up to one year from the date of collection.~~

~~(B) 67450.4(d)(4). The receiving, handling and waste storage areas of the PHHWCF shall have a continuous base that meets the requirements of section 66264.174(b)(1);~~

~~(C) 67450.4(e)(2). The operator of a PHHWCF may also bulk waste photofinishing solutions and miscellaneous wastes contaminated with compatible solvents;~~

~~(D) 67450.4(f). The operator of a PHHWCF shall close the facility in compliance with section 66265.111.~~

~~(f) The interim status granted pursuant to subdivision (a) of this section shall be revoked unless the facility submits a standardized permit application to the Department on or before April 1, 1994. For those facilities operating under interim status after April 1, 1994, interim status shall be terminated upon issuance or denial of the standardized permit or June 1, 1995, whichever is earlier.~~

~~(g) The Department shall not grant interim status to any person eligible to operate pursuant to a standardized permit in accordance with Health and Safety Code section 25201.6, if the facility has been subject to any of the following actions:~~

- ~~(1) denial of a hazardous waste facilities permit;~~

~~(2) suspension, revocation or termination of a hazardous waste facilities permit; or~~

~~(3) termination of a grant of interim status except as the result of the issuance of a permit or of an approved withdrawal of a previously submitted Part A application.~~

~~(h) The Department shall acknowledge receipt of the notification submitted pursuant to subsection (a) of this section in writing within forty-five (45) calendar days of the receipt of the notification. The acknowledgement by the Department shall either authorize continued operation of the facility subject to the conditions specified in this section; or, it shall notify the owner or operator that the notification is incomplete or inaccurate. If the notification is incomplete or inaccurate, the owner or operator shall have ten (10) days from the receipt of the acknowledgement to submit any additional or corrected information requested by the Department. The Department shall reject the notification of any owner or operator who fails to provide the additional or corrected information within ten (10) days. Upon a showing of good cause by the owner or operator, the Department shall grant the owner or operator an extension of time to provide the additional or corrected information.~~

NOTE: Authority: sections 25150, 25248.3, 25201.6, 58004 and 58012, Health and Safety Code. Reference: sections 25150, 25201.6 and 25250.1, Health and Safety Code.

**Amend** title 22, division 4.5, chapter 45, section 67800.5 and title 27, division 22, section 22-67800.1 section 67800.5 of the California Code of Regulations to read as follows:

**§ 67800.5. Financial Responsibility for Facilities Operating Under a Standardized Permit.**

The owner or operator of a facility that operates pursuant to a standardized permit issued pursuant to Health and Safety Code section 25201.6, ~~or, pursuant to interim status granted pursuant to Health and Safety Code sections 25200.5, 25200.9 and 25201.6~~, shall comply with chapter ~~14~~ 15, article 8, except as follows:

(a) Series A facilities, as defined by Health and Safety Code section 25201.6(a)(1), shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs.

(b) Series B facilities, as defined by Health and Safety Code section 25201.6(a)(2), Series C facilities, as defined by Health and Safety Code section 25201.6 (a) (3) , that treat or store reactive, ignitable or extremely hazardous waste and Series C facilities that treat solvents in accordance with Health and Safety Code section 25201.6 (g) (2) shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$500,000 per occurrence with an annual aggregate of at least \$1 million, exclusive of legal defense costs.

(c) Series C facilities, as defined by Health and Safety Code section 25201.6(a)(3), shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$300,00 per occurrence with an annual aggregate of at least \$600,000, exclusive of legal defense costs.

(d) Notwithstanding subdivision (c) of this section, Series C facilities that treat no more than 1,500 gallons of liquid hazardous waste or 3,000 pounds of solid hazardous waste in any calendar month, or have a maximum storage capacity of no more than 15,000 gallons of liquid hazardous waste or 30,000 pounds of solid hazardous waste, shall have and maintain liability coverage for sudden accidental occurrences in the amount of at least \$100,000 per occurrence with an annual aggregate of at least \$200,000 per facility, exclusive of legal defense costs.

(e) An owner or operator of more than one facility that operates pursuant to a standardized permit ~~or pursuant to interim status granted pursuant to Health and Safety Code sections 25200.5, 25200.9 and 25201.6~~ may meet the liability coverage requirements of this section by having and maintaining liability

coverage at the level required for the facility that is regulated at the highest standardized permit series.

(f) An owner or operator of one or more facilities that operate pursuant to a standardized permit ~~or interim status granted pursuant to Health and Safety Code sections 25200.5, 25200.9 and 25201.6~~, who also owns or operates one or more facilities regulated pursuant to a hazardous waste facility permit, may meet the liability coverage requirements of this section by having and maintaining sudden liability coverage as required by section 66264.147 (a).

(g) An owner or operator of one or more facilities that operate pursuant to a standardized permit ~~or interim status granted pursuant to Health and Safety Code sections 25200.5, 25200.9 and 25201.6~~, who also owns or operates one or more facilities that operates pursuant to interim status granted pursuant to Health and Safety Code section 25200.5 may meet the liability coverage requirements of this section by having and maintaining liability coverage as required by section 66265.147 (a).

NOTE: Authority cited: sections 25143.13, 25150, 25200.1, 25201.6, 25245, 58004, 58012, Health and Safety Code. Reference: sections 25243.13, 25150, 25200.1, 25200.5, 25200.9 and 25201.6, Health and Safety Code.